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(Original Signature of Member)

110TH CONGRESS
2D SESSION

H. R. 5789

To reauthorize the Small Business Innovation Research (SBIR) Program and the Small Business Technology Transfer (STTR) Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. WU introduced the following bill; which was referred to the Committee
on _____

A BILL

To reauthorize the Small Business Innovation Research (SBIR) Program and the Small Business Technology Transfer (STTR) Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Science and Technology Innovation Act of 2008”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REAUTHORIZATION OF PROGRAMS

Sec. 101. Extension of SBIR and STTR Programs.

TITLE II—FEDERAL INNOVATIONS INVESTMENTS

Sec. 201. SBIR cap increase.

Sec. 202. STTR cap increase.

Sec. 203. Adjustments in SBIR and STTR award levels.

Sec. 204. Majority equity investment in SBIR and STTR firms.

TITLE III—UTILIZATION SUPPORT

Sec. 301. Agency databases to support program evaluation.

Sec. 302. Agency databases to support technology utilization.

Sec. 303. Interagency Policy Committee.

TITLE IV—OUTREACH AND TECHNICAL ASSISTANCE

Sec. 401. Use of program funds for administrative costs.

Sec. 402. SBIR discretionary technical assistance.

TITLE V—IMPLEMENTATION

Sec. 501. Conforming amendments to the SBIR and STTR policy directives.

Sec. 502. National Research Council SBIR Study.

1 **TITLE I—REAUTHORIZATION OF**
2 **PROGRAMS**

3 **SEC. 101. EXTENSION OF SBIR AND STTR PROGRAMS.**

4 (a) SBIR PROGRAM.—Section 9(m) of the Small
5 Business Act (15 U.S.C. 638(m)) is amended by striking
6 “2008” and inserting “2010”.

7 (b) STTR PROGRAM.—Section 9(n)(1)(A) of the
8 Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended
9 by striking “2009” and inserting “2010”.

10 **TITLE II—FEDERAL**
11 **INNOVATIONS INVESTMENTS**

12 **SEC. 201. SBIR CAP INCREASE.**

13 Section 9(f)(1) of the Small Business Act (15 U.S.C.
14 638(f)(1)) is amended—

1 (1) in subparagraph (B), by striking “and” at
2 the end;

3 (2) in subparagraph (C), by striking “each fis-
4 cal year thereafter,” and inserting “each of fiscal
5 years 1997 through 2008; and”; and

6 (3) by adding after subparagraph (C) the fol-
7 lowing new subparagraph:

8 “(D) not less than 3 percent in fiscal year
9 2009 and each fiscal year thereafter,”.

10 **SEC. 202. STTR CAP INCREASE.**

11 Section 9(n)(1)(B) of the Small Business Act (15
12 U.S.C. 638(n)(1)(B)) is amended—

13 (1) in clause (i), by striking “and” at the end;

14 (2) in clause (ii), by striking “fiscal year 2004
15 and each fiscal year thereafter.” and inserting “each
16 of fiscal years 2004 through 2008; and”; and

17 (3) by adding after clause (ii) the following new
18 clause:

19 “(iii) 0.6 percent for fiscal year 2009
20 and each fiscal year thereafter.”.

21 **SEC. 203. ADJUSTMENTS IN SBIR AND STTR AWARD LEV-**
22 **ELS.**

23 (a) **SBIR ADJUSTMENTS.**—Section 9(j)(2)(D) of the
24 Small Business Act (15 U.S.C. 638(j)(2)(D)) is amend-
25 ed—

1 (1) by striking “\$100,000” and inserting
2 “\$300,000”; and

3 (2) by striking “\$750,000” and inserting
4 “\$2,200,000”.

5 (b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of
6 the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is
7 amended—

8 (1) by striking “\$100,000” and inserting
9 “\$300,000”; and

10 (2) by striking “\$750,000” and inserting
11 “\$2,200,000”.

12 (c) ANNUAL ADJUSTMENTS.—Section 9 of the Small
13 Business Act (15 U.S.C. 638) is amended—

14 (1) in subsection (j)(2)(D), by striking “and an
15 adjustment of such amounts once every 5 years to
16 reflect economic adjustments and programmatic con-
17 siderations” and inserting “and a mandatory annual
18 adjustment of such amounts to reflect economic ad-
19 justments and programmatic considerations”; and

20 (2) in subsection (p)(2)(B)(ix), by striking
21 “greater or lesser amounts” and inserting “with a
22 mandatory annual adjustment of such amounts to
23 reflect economic adjustments and programmatic con-
24 siderations, and with lesser amounts”.

1 (d) LIMITATION ON CERTAIN AWARDS.—Section 9 of
2 the Small Business Act (15 U.S.C. 638) is amended by
3 adding at the end the following:

4 “(z) LIMITATION ON PHASE I AND II AWARDS.—No
5 Federal agency shall issue an award under the SBIR pro-
6 gram or the STTR program if the size of the award ex-
7 ceeds the amounts established under subsections (j)(2)(D)
8 and (p)(2)(B)(ix).

9 “(aa) SUBSEQUENT PHASES.—

10 “(1) IN GENERAL.—A small business concern
11 which received an award from a Federal agency
12 under this section shall be eligible to receive an
13 award for a subsequent phase from another Federal
14 agency, if the head of each relevant Federal agency
15 makes a written determination that the topics of the
16 relevant awards are the same.

17 “(2) CROSSOVER BETWEEN PROGRAMS.—A
18 small business concern which received an award
19 under this section under the SBIR program or the
20 STTR program may, at the discretion of the grant-
21 ing agency, receive an award under this section for
22 a subsequent phase in either the SBIR program or
23 the STTR program.

24 “(3) PHASE II SBIR APPLICATIONS.—An agency
25 may permit an applicant to apply directly for a

1 Phase II award, as described in subsection
2 (e)(4)(B), without first completing a Phase I award,
3 as described in subsection (e)(4)(A), if the applicant
4 can demonstrate that project feasibility was achieved
5 without SBIR or other Federal funding.

6 “(4) PHASE II STTR APPLICATIONS.—An agen-
7 cy may permit an applicant to submit proposals for
8 Phase II awards, as described in subsection
9 (e)(6)(B), without first completing a Phase I award,
10 as described in subsection (e)(6)(A), if the applicant
11 can demonstrate it has accomplished Phase I
12 through cooperative research and development
13 achieved without STTR or other Federal funding.

14 “(bb) WAIVER OF MINIMUM WORK REQUIREMENT.—
15 A Federal agency making an SBIR or STTR award under
16 this section may waive the minimum small business con-
17 cern or research institution work requirements under sub-
18 section (e)(7) if the agency determines that to provide
19 such waiver would be consistent with the purposes of this
20 section and consistent with achieving the objectives of the
21 award proposal.”.

1 **SEC. 204. MAJORITY EQUITY INVESTMENT IN SBIR AND**
2 **STTR FIRMS.**

3 Section 9 of the Small Business Act (15 U.S.C. 638),
4 as amended by this Act, is further amended by adding
5 at the end the following:

6 “(cc) MAJORITY EQUITY INVESTMENT IN SBIR AND
7 STTR FIRMS.—

8 “(1) QUALIFICATION REQUIREMENTS.—No
9 small business concern shall be excluded from par-
10 ticipation in the SBIR or STTR program on the
11 ground that such small business concern is owned in
12 majority part by more than 1 equity provider, except
13 that no single equity provider shall be permitted to
14 own more than 49 percent of such small business
15 concern.

16 “(2) DEFINITIONS.—For purposes of this sub-
17 section—

18 “(A) the term ‘equity provider’ means a
19 venture capital operating company; and

20 “(B) the term ‘venture capital operating
21 company’ means a business concern that—

22 “(i) is a venture capital operating
23 company, as that term is defined in regula-
24 tions promulgated by the Secretary of
25 Labor under the Employee Retirement In-
26 come Security Act of 1974;

1 “(ii) is registered under the Invest-
2 ment Company Act of 1940 (15 U.S.C.
3 80a-51 et seq.); or

4 “(iii) is an investment company, as
5 defined in section 3(c)(14) of such Act (15
6 U.S.C. 80a-3(c)(14)), which is not reg-
7 istered under such Act because it is bene-
8 ficially owned by less than 100 persons.”.

9 **TITLE III—UTILIZATION** 10 **SUPPORT**

11 **SEC. 301. AGENCY DATABASES TO SUPPORT PROGRAM** 12 **EVALUATION.**

13 Section 9(k) of the Small Business Act (15 U.S.C.
14 638(k)) is amended—

15 (1) in paragraph (2)(A)—

16 (A) by striking “and” at the end of clause

17 (ii);

18 (B) by inserting “and” at the end of clause

19 (iii); and

20 (C) by adding at the end the following new
21 clause:

22 “(iv) information on the ownership
23 structure of award recipients, both at the
24 time of receipt of the award and upon com-
25 pletion of the award period;”;

1 (2) by amending paragraph (3) to read as fol-
2 lows:

3 “(3) UPDATING INFORMATION FOR DATA-
4 BASE.—

5 “(A) IN GENERAL.—A Federal agency
6 shall not make a Phase I or Phase II payment
7 to a small business concern under this section
8 unless the small business concern has provided
9 all information required under this subsection
10 with respect to the award under which the pay-
11 ment is made, and with respect to any other
12 award under this section previously received by
13 the small business concern or a predecessor in
14 interest to the small business concern.

15 “(B) APPORTIONMENT.—In complying
16 with this paragraph, a small business concern
17 may apportion sales or additional investment
18 information relating to more than one second
19 phase award among those awards, if it notes
20 the apportionment for each award.

21 “(C) ANNUAL UPDATES UPON TERMI-
22 NATION.—A small business concern receiving an
23 award under this section shall—

24 “(i) in the case of a second phase
25 award, update information in the data-

1 bases required under paragraphs (2) and
2 (6) concerning that award at the termi-
3 nation of the award period;

4 “(ii) in the case of award recipients
5 not described in clause (iii), be requested
6 to voluntarily update such information an-
7 nually thereafter for a period of 5 years;
8 and

9 “(iii) in the case of a small business
10 concern applying for a subsequent first
11 phase or second phase award, be required
12 to update such information annually there-
13 after for a period of 5 years.”; and

14 (3) by adding at the end the following new
15 paragraph:

16 “(6) AGENCY PROGRAM EVALUATION DATA-
17 BASES.—Each Federal agency required to establish
18 an SBIR or STTR program under this section shall
19 develop and maintain, for the purpose of evaluating
20 such programs, a database containing information
21 required to be contained in the database under para-
22 graph (2). Each such database shall be designed to
23 be accessible to other agencies that are required to
24 maintain a database under this paragraph.”.

1 **SEC. 302. AGENCY DATABASES TO SUPPORT TECHNOLOGY**
2 **UTILIZATION.**

3 Section 9(k) of the Small Business Act (15 U.S.C.
4 638(k)), as amended by this Act, is further amended by
5 adding at the end the following new paragraph:

6 “(7) AGENCY DATABASES TO SUPPORT TECH-
7 NOLOGY UTILIZATION.—Each Federal agency with
8 an SBIR or STTR program shall create and main-
9 tain a technology utilization database, which shall be
10 available to the public and shall contain data sup-
11 plied by the award recipients specifically to help
12 them attract customers for the products and services
13 generated under the SBIR or STTR project, and to
14 attract additional investors and business partners.
15 Each database created under this paragraph shall
16 include information on the other databases created
17 under this paragraph by other Federal agencies.
18 Participation in a database under this paragraph
19 shall be voluntary, except that such participation is
20 required of all award recipients who received supple-
21 mental payments from SBIR and STTR program
22 funds above their initial Phase II award.”.

23 **SEC. 303. INTERAGENCY POLICY COMMITTEE.**

24 (a) ESTABLISHMENT.—The Director of the Office of
25 Science and Technology Policy shall establish an Inter-
26 agency SBIR/STTR Policy Committee comprised of one

1 representative from each Federal agency with an SBIR
2 program.

3 (b) COCHAIRS.—The Director of the Office of Science
4 and Technology Policy and the Director of the National
5 Institute of Standards and Technology shall jointly chair
6 the Interagency Policy Committee.

7 (c) DUTIES.—The Interagency Policy Committee
8 shall review the following issues and make policy rec-
9 ommendations on ways to improve program effectiveness
10 and efficiency:

11 (1) The public and government databases de-
12 scribed in section 9(k)(1) and (2) of the Small Busi-
13 ness Act (15 U.S.C. 638(k)(1) and (2)).

14 (2) Federal agency flexibility in establishing
15 Phase I and II award sizes, and appropriate criteria
16 to exercise such flexibility.

17 (3) Commercialization assistance best practices
18 in Federal agencies with significant potential to be
19 employed by other agencies, and the appropriate
20 steps to achieve that leverage, as well as proposals
21 for new initiatives to address funding gaps business
22 concerns face after Phase II but before commer-
23 cialization.

24 (d) REPORTS.—The Interagency Policy Committee
25 shall transmit to the Committee on Science and Tech-

1 nology and the Committee on Small Business of the House
2 of Representatives, and to the Committee on Small Busi-
3 ness and Entrepreneurship of the Senate—

4 (1) a report its review and recommendations
5 under subsection (c)(1) not later than 1 year after
6 the date of enactment of this Act;

7 (2) a report its review and recommendations
8 under subsection (c)(2) not later than 18 months
9 after the date of enactment of this Act; and

10 (3) a report its review and recommendations
11 under subsection (c)(3) not later than 2 years after
12 the date of enactment of this Act.

13 **TITLE IV—OUTREACH AND**
14 **TECHNICAL ASSISTANCE**

15 **SEC. 401. USE OF PROGRAM FUNDS FOR ADMINISTRATIVE**
16 **COSTS.**

17 Section 9 of the Small Business Act (15 U.S.C. 638)
18 is amended—

19 (1) in subsection (f)(2)(A), by striking “any”
20 and inserting “more than 3.0 percent”; and

21 (2) in subsection (n)(2)(A), by striking “any”
22 and inserting “more than 3.0 percent”.

23 **SEC. 402. SBIR DISCRETIONARY TECHNICAL ASSISTANCE.**

24 Section 9(q) of the Small Business Act (15 U.S.C.
25 638(q)) is amended—

1 (1) in paragraph (1)—

2 (A) by striking “paragraph (2)” and in-
3 serting “paragraph (2)(A), or another Federal
4 agency under paragraph (2)(B),”;

5 (B) by striking “and” at the end of sub-
6 paragraph (C);

7 (C) by striking the period at the end of
8 subparagraph (D) and inserting “; and”; and

9 (D) by adding at the end the following new
10 subparagraph:

11 “(E) implementing manufacturing proc-
12 esses and production strategies for utilization.”;

13 (2) by amending paragraph (2) to read as fol-
14 lows:

15 “(2) ASSISTANCE PROVIDERS.—

16 “(A) VENDOR SELECTION.—Each agency
17 may select a vendor to assist small business
18 concerns to meet the goals listed in paragraph
19 (1) for a term not to exceed 3 years. Such se-
20 lection shall be competitive and shall utilize
21 merit-based criteria.

22 “(B) INTERAGENCY COLLABORATION.—In
23 addition, each agency may enter into a collabo-
24 rative agreement with the technical extension or
25 assistance programs of other Federal agencies

1 in order to provide the assistance described in
2 paragraph (1).”; and

3 (3) in paragraph (3)—

4 (A) in subparagraph (A), by striking
5 “\$4,000” and inserting “\$5,000”; and

6 (B) by amending subparagraph (B) to read
7 as follows:

8 “(B) SECOND PHASE.—Each agency re-
9 ferred to in paragraph (1) may provide directly,
10 or authorize any second phase SBIR award re-
11 cipient to purchase with funds available from
12 their SBIR awards, services described in para-
13 graph (1), in an amount equal to not more than
14 \$8,000 per year, per award.”.

15 **TITLE V—IMPLEMENTATION**

16 **SEC. 501. CONFORMING AMENDMENTS TO THE SBIR AND** 17 **STTR POLICY DIRECTIVES.**

18 Not later than 180 days after the date of enactment
19 of this Act, the Administrator of the Small Business Ad-
20 ministration shall promulgate amendments to the SBIR
21 and the STTR Policy Directives to conform such directives
22 to this Act and the amendments made by this Act.

23 **SEC. 502. NATIONAL RESEARCH COUNCIL SBIR STUDY.**

24 Section 108(d) of the Small Business Reauthoriza-
25 tion Act of 2000 is amended—

- 1 (1) by striking “of the Senate” and all that fol-
2 lows through “not later than 3” and inserting “of
3 the Senate, not later than 3”; and
- 4 (2) by striking “; and” and all that follows
5 through “update of such report”.